UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,937	05/02/2001	Uzi Lev-Ami	EQPN 1000-1	6166

22470 7590 05/04/2005	EXAMINER
HAYNES BEFFEL & WOLFELD LLP	SWEARINGEN, JEFFREY R

ART UNIT	PAPER NUMBER
2145	

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DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/847,937	LEV-AMI ET AL.
	Examiner	Art Unit	
	Jeffrey R. Swearingen	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 January 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the remarks filed by Applicant on January 5 2005. This action is a

non-final rejection due to new grounds of rejection and clarity issues from the first action on the merits.

Specification

2.   The objection to the title is withdrawn, as Applicant has amended the claims to add subject matter

that would correspond more closely with the title.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 8, 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

5.   Claim 8 refers to *the structured messages are compliant with an SECS standard*. The Examiner

is unable to comprehend what the intended claim scope is for "compliance with an SECS standard."

6.   Claims 17 and 18 refer to *applying business logic processing*. *Business logic processing* is

vague and indefinite. In the interest of compact prosecution, the Examiner is citing art that is close to the

limitations of the claim as it now stands. See *In re Steele*, 305 F.2d 859, 134 USPQ 292 (CCPA 1962).

The Examiner also respectfully and courteously explains to Applicant that *business logic processing*,

while being a well known term in other arts such as the Business Methods art, is not well known within the

Networking art, and therefore remains indefinite as no clear definition of the claimed subject matter can

be ascertained from the specification or claims as currently presented. The Examiner has consulted

multiple networking references in an attempt to ascertain Applicant's claim scope from this terminology

and is unable to determine the proposed claim scope.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for

the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-3 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kino et al. (U.S.

Patent No. 6,782,403).

9.   In regard to claim 1, Kino discloses *receiving a data stream of structured messages, including*

context-setting messages and context-sensitive messages, said context-sensitive messages being

meaningful only when matched with corresponding context-setting messages, said structured messages

having one or more fields adapted to match the context-setting messages with the corresponding context-

sensitive messages; tagging the structured messages with XML tags corresponding to the structure of the

messages; matching the XML tagged context-setting messages with the corresponding XML tagged

context-sensitive messages, utilizing the fields; and generating context-insensitive XML retagged

messages, the context-insensitive XML retagged messages having XML tags corresponding to the

context of the context-sensitive messages; and outputting the context-insensitive XML retagged

messages. Kino discloses taking data in a database that has been updated (*data stream of structured*

messages) and converting it to XML. This XML data is then converted to a different XML based data

format. The converted XML data is then output from the data format conversion unit. See Kino, column

52, lines 25-65. Tagging would be inherent to converting data to XML. Retagging XML data would be

inherent to converting the XML data to a different XML based data format.

10.   In regard to claim 2, Kino is applied as in claim 1. Kino further discloses *the context-setting*

messages include variable identifiers for variables to be reported; the context-sensitive messages report

values for the variables, said report messages including variable values but not the variable identifiers;

generating XML retagged messages includes generating XML tags corresponding to the variable

identifiers and values corresponding to the variable identifiers. See Figures 3-7 for examples of variable

identifiers being used in the Kino invention. See Figure 17 for use of these variables in XML tags.

11.   In regard to claim 3, Kino is applied as in claim 2. Kino further discloses *accessing a dictionary*

that includes variable names corresponding to the variable identifiers, and generating XML tags

corresponding to the variable names. See Figure 17.

12.   In regard to claim 19, the limitations of this claim are substantially the same as the limitations

embodied within claim 1. Therefore the rejection to claim 1 is hereby applied to claim 19.

Claim Rejections - 35 USC § 103

13.   Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kino as applied to

claim 1 above, and further in view of Gary, Jr. et al. (U.S. Patent No. 6,604,115).

14.   In regard to claim 4, Kino is applied as in claim 1. Kino discloses a database being converted to

XML and then to another XML format. Kino fails to disclose report definition messages and report trigger

messages. However, Gary discloses that a database can be used to store error information from a

device *(report definition messages and report trigger messages)* in a log format. See Gary, column 4,

lines 1-15, column 5, lines 1-2. Such data can be exported in an XML format. Gary, column 4, lines 24-

27. It would be obvious to one of ordinary skill in the art to review error logs from devices via XML

because XML is a standard format that an administrator can use to collect, display, and report data.

Gary, column 4, lines 16-19, lines 24-27.

15.   In regard to claim 5, Kino in view of Gary is applied as in claim 4. Kino further discloses

accessing a dictionary that includes variable names corresponding to the variable identifiers, and

generating XML tags corresponding to the variable names. See Figure 17 for an example of this.

16.   In regard to claim 6, Kino is applied as in claim 1. Claim 6 has claimed subject matter similar to

claim 4. Therefore the rejection of claim 4 is applicable to claim 6. The Examiner clarifies that since Gary

teaches a diagnostic purpose to the error logs (Gary, column 3, line 65 – column 4, line 15), the running

of a diagnostic tool *(report demand message)* to request error information *(report messages)* is inherent.

17.   In regard to claim 7, Kino in view of Gary is applied as in claim 6. Kino further discloses Kino further discloses *accessing a dictionary that includes variable names corresponding to the variable identifiers, and generating XML tags corresponding to the variable names.* See Figure 17 for an example of this.

18.   Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kino as applied to claim 1 and in view of Applicant's Admitted Prior Art.

19.   In regard to claim 8, Kino is applied as in claim 1. Kino discloses converting information to an XML format. Kino fails to disclose use of the SECS standard. However, Applicant has provided the SECS protocol standard. It would be obvious to one of ordinary skill in the art to convert <u>any</u> protocol to XML using the Kino invention, including the SECS standard, in order to use the Kino invention with different devices such as manufacturing equipment because the SECS standards given by Applicant are a standard type of protocol, as is XML. The SECS standards provided by Applicant were published by another entity long before the filing date of the application, so they would be well known within the art. Kino should be easily modifiable by one of ordinary skill in the art to work with **ANY PROTOCOL**, including SECS.

20.   In regard to claim 9, Kino in view of Applicant's Admitted Prior Art is applied as in claim 8. Kino further discloses *the context-setting messages include variable identifiers for variables to be reported; the context-sensitive messages report values for the variables, said report messages including variable values but not the variable identifiers; generating XML retagged messages includes generating XML tags corresponding to the variable identifiers and values corresponding to the variable identifiers.* See Figures 3-7 for examples of variable identifiers being used in the Kino invention. See Figure 17 for use of these variables in XML tags.

21.   In regard to claim 10, Kino in view of Applicant's Admitted Prior Art is applied as in claim 9. Kino further discloses *accessing a dictionary that includes variable names corresponding to the variable identifiers, and generating XML tags corresponding to the variable names.* See Figure 17 for an example of this.

22.   Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kino in view of

Applicant's Admitted prior art as applied in claim 8, and further in view of Gary.

23.   In regard to claim 11, Kino in view of Applicant's Admitted Prior Art is applied as in claim 8. Kino

discloses a database being converted to XML and then to another XML format. Kino fails to disclose

report definition messages and report trigger messages. However, Gary discloses that a database can

be used to store error information from a device (report definition messages and report trigger messages)

in a log format. See Gary, column 4, lines 1-15, column 5, lines 1-2. Such data can be exported in an

XML format. Gary, column 4, lines 24-27. It would be obvious to one of ordinary skill in the art to review

error logs from devices via XML because XML is a standard format that an administrator can use to

collect, display, and report data. Gary, column 4, lines 16-19, lines 24-27.

24.   In regard to claim 12, Kino in view of Applicant's Admitted Prior Art in further view of Gary is

applied as in claim 11. Kino further discloses *accessing a dictionary that includes variable names*

corresponding to the variable identifiers, and generating XML tags corresponding to the variable names.

See Figure 17 for an example of this.

25.   In regard to claim 13, Kino in view of Applicant's Admitted Prior Art is applied as in claim 8. Claim

13 has claimed subject matter similar to claim 11. Therefore the rejection of claim 11 is applicable to

claim 13. The Examiner clarifies that since Gary teaches a diagnostic purpose to the error logs (Gary,

column 3, line 65 – column 4, line 15), the running of a diagnostic tool (*report demand message*) to

request error information (*report messages*) is inherent.

26.   In regard to claim 14, Kino in view of Applicant's Admitted Prior Art in further view of Gary is

applied as in claim 13. Kino further discloses *accessing a dictionary that includes variable names*

corresponding to the variable identifiers, and generating XML tags corresponding to the variable names.

See Figure 17 for an example of this.

27.   Claims 15-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kino as

applied to claim 1 in view of Lo et al. (U.S. Patent No. 6,854,120).

28.   In regard to claim 15, Kino is applied as in claim 1. The limitations of claim 15 are similar to the limitations of claim 1. Kino fails to disclose checking XML data validity using XML tools. However, Lo discloses that in the prior art, "the validity of an XML document is defined by a Document Type Definition (DTD), which an XML parser uses to ensure that an XML document is valid." Lo, column 1, lines 44-46. Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to use an XML parser in conjunction with a DTD to validate the data in an XML document created by Kino for the purpose of data integrity. Kino creates documents in XML and Lo speaks to verifying documents in XML, which makes them analogous art.

29.   In regard to claim 16, Kino in view of Lo is applied as in claim 15. Kino further discloses *accessing a dictionary that includes variable names corresponding to the variable identifiers, and generating XML tags corresponding to the variable names.* See Figure 17 for an example of this.

30.   In regard to claims 17-18, Kino in view of Lo is applied as in claim 15. The Examiner treats validation of data as an integral part of operating a business, since businesses would not be able to function properly with invalid data. Therefore data validation falls under the realm of *business logic.*

31.   In regard to claim 20, the limitations of claim 20 are substantially the same as the limitations of claim 15. Therefore the rejection against claim 15 is applied to claim 20.

32.   In regard to claim 21, the limitations of claim 21 are substantially the same as the limitations of claim 17. Therefore the rejection against claim 17 is applied to claim 21.

Conclusion

33.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

DaCosta et al., U.S. Patent No. (6,826,553)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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